

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**JOHN A. HERRIN,
Plaintiff,**

V.

**MAX PROTETCH, INC. AND THE
MUSEUM OF MODERN ART,
Defendants.**

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Civil Action No. 4:09-cv-02174

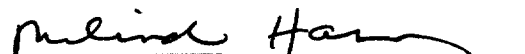
ORDER OF DISMISSAL

The Court, having considered plaintiff John A. Herrin and defendant The Museum of Modern Art's joint motion to dismiss without prejudice, finds that such motion should be GRANTED. Therefore, it is

ORDERED that all causes of action asserted in this matter by plaintiff John A. Herrin against defendant The Museum of Modern Art are dismissed without prejudice. It is further

ORDERED that all costs of Court and attorney's fees incurred by plaintiff John A. Herrin and defendant The Museum of Modern Art in connection with the causes of action asserted in this matter by plaintiff John A. Herrin against defendant The Museum of Modern Art are to be borne by the party incurring same.

SIGNED in Houston, Texas, this 6th day of August, 2009.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE

AGREED AS TO FORM AND CONTENT AND ENTRY REQUESTED:

EMMONS & JACKSON, P.C.

VINSON & ELKINS, LLP

/s/ Daniel W. Jackson

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